

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Labour Court.III in MP.No.08 of 2002 filed by Sri Ch.Parameshwar & others Nalgonda District – Regularization of services – Orders – Issued.

HEALTH, MEDICAL AND FAMILY WELFARE (J1) DEPARTMENT

G. O. Rt.No. 1017

Dated 01.08.2009

Read the following :-

1. From the APAT., order dt.26.3.2009 in O.A. No.3832/2002
2. Govt.Memo.No.6545/J1/2009-1, HM&FW (J1) dt 11.5.2009
3. From the Director of Health, Hyderabad
Lr.Rc.No.7365/E4.C/2000, dt 28.5.2009

\$\$\$

O R D E R :

The Director of Health, Hyderabad in the letter 3rd read above, has reported that Sri Ch.Parameshwar and (7) others Daily Wage Workers are working as Field Workers in Nalgonda District. The District Medical & Health Officer and District Malaria Officer have initially appointed them as Field Workers during the year 1980 & 1985. When their services were terminated by the respondents without following the provision of Industrial Disputes Act, they have approached the Labour Court questioning the termination orders issued to them by filling I.D.Nos.258, 259, 262, 269, 267, 245 of 1997. Thereafter, the Labour Court passed awards directing the respondents to reinstate the applicants into service with continuity of service, but without back-wages and the awards were passed on 18.3.2000. Subsequently, the applicants were reinstated into service by the District Medical & Health Officer, Nalgonda, vide proceedings Rc.No.NMEP/306/2001 dated 25.7.2001, with continuity of service as per the award of the Labour Court and the applicants are working under the respondents as on today. While so, in view of the Government issuing G.O.Ms.No.212, Finance Dept., Dated 22.4.1994 with regard to the regularization of services of daily wage employees by imposing certain conditions therein one of the conditions is that persons working as on 25.11.1993 and having completed five years of service and if any regular vacancies are available, they are entitled for regularization. It is also informed that they have completed more than five years of service and are working as on 25.11.1993 and in view of availability of regular vacancies, the applicants are entitled for regularization under G.O.Ms.No.212, dated 22.4.1994

2. Further, the Director of Health, Hyderabad has stated that the applicants do not have continuous service of 5 years as required under G.O.Ms.No.212 dated 22.4.1994 and hence they are not entitled for regularization. But, as per the award of Labour Court in which the court directed the respondents to give continuity of service, without back wages, they have completed more than five years of continuous service, and they are entitled to be regularized under G.O.Ms.No.212 dated 22.4.1994 and Act No.2 of 1994 in A.P. Gazette dated 15.1.1994.

(P.T.O.)

:: 2 ::

3. The Hon'ble Andhra Pradesh Administrative Tribunal, in its order dt.26.03.2009 in O.A. No.3832/2005, filed by Sri Ch. Parmeswar and 7 others has made the following:-

"The impugned proceedings issued by the 3rd respondent vide Rc.No.47/NMEP/2003 dated 16.3.2005 are set aside and the 1st and 2nd respondents herein shall pass orders on the proposals of the DM&HO, Nalgonda dated 27.9.2006 addressed to the Director of Health, A.P., Hyderabad. The Director of Health, A.P., Hyderabad shall forward the said proposals to the 1st and 2nd Respondents within a period of four weeks from the date of receipt of copy of the order and, within a further period of eight weeks thereafter the 1st and 2nd respondents shall pass necessary orders on the above said proposals of the DM&HO, Nalgonda with respect to regularization of services of the applicants under G.O.Ms.No.212 dated 22.4.1994 and communicate the consequential orders to the applicants. The O.A. is disposed of accordingly. No costs".

4. As per the Andhra Pradesh Administrative Tribunal orders dated 26.3.2009 in O.A.No.3832/2005 the Director of Health, Hyderabad has furnished the proposals, along with service particulars/check list, for regularization of (8) said daily wage workers under G.O.Ms.No. 212, Finance & Planning (FW.PC.II) Dept. dated 22.4.1994 and requested to issue necessary orders in the matter.

5. The Government after careful examination hereby accord permission to the Director of Health, Hyderabad/ District Medical and Health Officer, Nalgonda to regularize the services of 1.Sri A.Satyanarayana, 2.S.Narasimha Chary, 3.K.Yadagiri, 4.P.Ramulu, 5.Y.Sattireddy, 6.T.Satyanarayana, 7.Ch.Parameshwar, daily wage workers against the post of Field worker as per G.O.Ms.No.212, Finance (PC.III) Department dated 22.4.1994 from the prospective date i.e. from the date of issue of orders by the competent appointing authority, subject to condition that the proposed posts are clear, regular and no senior eligible person is overlooked / omitted.

6. The Director of Health, A.P., Hyderabad shall take necessary action in the matter accordingly. Copy of Director of Health orders will be sent to Government within 2 weeks of issue of this order for record.

7. This order issues with the concurrence of Finance (PC.III) Department vide their U.O.No.16745/319/A1/PC.III/09, dated 13.7.2009

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.V. SUBRAHMANYAM
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director of Health, A.P., Hyderabad
Copy to :-
The individuals (through D.H. A.P., Hyd.,)
The District Medical and Health Officer, Nalgonda
The District Treasury Officer, Nalgonda.

SF/SCs.,

// forwarded :: by order //

SECTION OFFICER